IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 758 (MS) OF 2006

Anil Kumar Kansal,
S/o late Sundar Lal Kansal,
R/o Mehtan Jwalapur,
Pargana-Jwalapur,
Tehsil and District Jwalapur,
District-Haridwar. .....Petitioner.

Versus

1. The Civil Judge (Senior Division), Haridwar.
2. Smt. Sushila Devi, Wife of Jagdish Lal, R/o 66 Vivek Vihar, Ranipur Morh Haridwar, Tehsil and District-Haridwar. .....Respondents.

Dated: 19.06.2006

Hon'ble Rajesh Tandon, J.

Heard Ms. Meenu Sharma, Advocate for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the impugned part of the order dated 29.05.2006 passed by Civil Judge (S.D.), Haridwar in O.S.No. 188 of 2005 Sushila Devi Vs. Anil Klumar.

Briefly stated, respondent no. 2 has filed a suit being O.S. No. 188 of 2005 Smt. Sushila Devi Vs. Anil Kumar and another against the petitioner seeking permanent injunction. The petitioner filed a written statement. The petitioner has denied the possession of the plaintiff/respondent no. 2. Since the injunction application was pending, the petitioner moved and

application for appointment of Commissioner for spot inspection. The application was allowed and the Amin Commissioner was appointed, who inspected the spot and submitted the report stating that the property is in possession of the petitioner.

Against the aforesaid report, the plaintiff/respondent no. 2 filed his objection. Plaintiff/respondent no. 2 also filed her reply.

The grievance of the petitioner is that even after receipt of the report of the Commissioner, the interim injunction application filed by the petitioner is not being disposed of, whereby the plaintiff is enjoying ad interim order seeking adjournments on one pretext or other.

In view of the above, respondent no. 1 is directed to dispose of the interim injunction application filed by the petitioner within a period of one month along with the objections.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

19.06.2006
Rathour